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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JAMES CORNETT,

Plaintiff,

*versus*

LINDA S. McMAHON,<sup>1</sup>  
Commissioner of Social Security  
Administration,

Defendant.

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CIVIL ACTION NO. 1:05-CV-656

**MEMORANDUM OPINION ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Court heretofore ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the report of the United States magistrate judge pursuant to such order, along with the record, pleadings and all available evidence. The magistrate judge submitted a Report and Recommendation which recommends affirming the Commissioner's denial of Supplemental Security Income benefits.

Plaintiff filed timely objections to the magistrate judge's Report and Recommendation. This entitles plaintiff to a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

Most of plaintiff's objections dispute the magistrate judge's conclusions regarding sufficiency of evidence in support of the Commissioner's decision. After careful consideration, the court concludes that the magistrate judge correctly determined that the Commissioner's decision is supported by substantial evidence.

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<sup>1</sup> Linda S. McMahon was designated Acting Commissioner on January 22, 2007, succeeding Jo Anne Barnhart. She is automatically substituted as a party pursuant to 42 U.S.C § 405(g) and Rule 25(d)(1), Federal Rules of Civil Procedure.

Plaintiff also proffers as new evidence an X-ray dated February 7, 2007. The court may consider new evidence only for the limited purpose of determining whether it provides grounds for remand. Leggett v. Chater, 67 F.3d 558, 567 (5th Cir. 1995). Plaintiff's new evidence originated almost sixteen months after the Commissioner's final decision. Evidence originating far outside the relevant time period does not provide grounds for remand. Falco v. Shalala, 27 F.3d 160, 164 (5th Cir. 1994).

Plaintiff's objections are without merit.

**ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered separately, affirming the Commissioner's decision and dismissing this action.

SIGNED at Beaumont, Texas, this 27th day of February, 2007.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE